U S WEST, Inc.
Suite 700
1020 Nineteenth Street, NW
Washington, DC 20036
202 429-3134
FAX 202 296-5157

Eiridge A. Stafford
Executive Director-
Federal Regulatory

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June 3, 1996

William F. Caton
Acting Secretary
Federal Communications Commission
Mail Stop 1170
1919 M. St., N.W., Room 222
Washington DC 20554

Re: Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation, ET Docket No. 93-62

Dear Mr. Caton:

On behalf of U S WEST, Inc. (U S WEST), and all subsidiary organizations[1], I am writing to express concern about the proposal of the Environmental Protection Agency (EPA) that the Commission adopt radiofrequency (RF) exposure guidelines which depart from those provided in the respected and widely-accepted American National Standards Institute (ANSI) and Institute of Electrical and Electronics Engineers (IEEE) C95.1-1992 standard (C95.1-1992), in favor of exposure criteria recommended in 1986 by the National Council on Radiation Protection and Measurements (NCRP-86), or alternatively a hybrid standard of some kind.

Recent ex parte and supplemental filings suggest that a significant number of parties to this proceeding now believe the Commission is seriously considering adopting the EPA's recommendation in this proceeding. In view of that possibility, U S WEST hereby joins the very substantial majority of scientific, governmental and industrial commenters in ET Docket No. 93-62 in urging the adoption of C95.1-1992 in its entirety, without modification, as the Commission proposed to do in its Notice of Proposed Rulemaking in this proceeding.

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[1] Among a number of U S WEST subsidiaries is NewVector Group, Inc., which provides cellular service in some 50 cellular markets in the western United States, and U S WEST Communications, Inc., which provides wireline telecommunications services in 14 midwestern states with the aid of point-to-point microwave service and other radiofrequency-based services.

U S WEST believes that disadvantages resulting from Commission adoption of NCRP-86 or hybrid RF exposure guidelines would include the following:

1. Loss of IEEE procedures:
The IEEE Standards Coordinating Committee 28 on Non-Ionizing Radiation (SCC28), which developed C95.1-1992, is an ongoing standards organization representing the largest technical professional society in the world, with a large and experienced staff which supports continuous standards development. The organization, through its staff and professional subcommittees, undertakes rigorous assessment of laboratory and epidemiological studies of RF exposure, provides documentation of procedures for implementing its guidelines, and provides clarifications, interpretations and supplements to users of its guidelines. It is not clear to U S WEST how the Commission, or the EPA, for that matter, could offer equivalent procedures to support the 1986 recommendations of NCRP, since NCRP does not function as a standards development organization and has no procedures of its own to respond to requests for clarification or interpretation.

2. A Federal double standard
Various commenters in this proceeding have represented that several major federal agencies, including the Department of Defense, the Food and Drug Administration, the Occupational Safety and Health Organization, and Department of Energy, have either adopted and implemented C95.1-1992 or generally endorse it.[2] If after verifying these claims the FCC proceeds to adopt alternate guidelines, the result will be to impose needless confusion and expense on any private party or subordinate government subject to dual regulation.

3. Impact on further CMRS deployment:
Adherence to C95.1-1992 guidelines or their predecessors[3] has been a condition for municipal and county zoning approval of some 1,200 cellular

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[2] See, eg., Supplement to Reply Comments of the National Association of Broadcasters, February 26, 1966, page 4, footnote 9; page 6.

[3] Zoning approvals granted to U S WEST from 1983 through 1991 were conditioned on compliance with the Commission's prevailing standard, ANSI C95.1-1982. In 1991, IEEE C95.1-1991 became the RF exposure guidelines municipalities endorsed with the concurrence of U S WEST. Since 1992, municipalities granting conditional zoning approvals to U S WEST have relied on ANSI/IEEE C95.1-1992.

transmission sites developed in 14 states by U S WEST NewVector Group. At virtually every public hearing on cellular facilities siting, citizen concerns over RF exposure have been a prominent issue. In such settings, U S WEST has represented to local government officials and to their constituents the entirely justified conclusion that the ANSI/IEEE RF exposure guidelines reflect the most trustworthy available consensus of technical and scientific experts on appropriate safeguards in light of all credible scientific studies of the effects of non-ionizing radiation.

As local governments nationwide prepare for the coming surge of zoning applications for CMRS facility sites, a Commission decision to adopt something other than C95.1-1992 as its RF exposure guidelines would do more than simply undermine the credibility of CMRS providers who earlier endorsed C95.1-1992 in local zoning proceedings. The Commission would be imposing on local governments alternative guidelines carrying for the first time the force of law, but lacking the confidence of the nation's most widely respected technical standards organization. For those who would oppose the construction of CMRS facilities such a decision could reasonably be expected to provide a new opportunity to foster confusion, uncertainty, contention, and litigation in local zoning proceedings. And, notwithstanding localities' recent loss of jurisdiction over CMRS RF exposure standards, the resulting obfuscation would undoubtedly work against the rapid deployment of new CMRS facilities and services.

4. Needless turmoil:
U S WEST finds no clear evidence in the record that any greater degree of health or safety protection would result from the adoption of EPA's recommendations. In our view, the IEEE reply effectively rebuts EPA's claims that C95.1-1992 is deficient, and further establishes that in some respects, the hybrid criteria EPA advocates would offer less protection.[4] Absent any clear public and occupational health advantage, adoption of the proposed alternative standard would foster uncertainty and contention with no offsetting benefit to the public interest.

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[4] See, for example, the IEEE comparison of C95.1-1992 and NCRP-86 Maximum Permissible Exposure limits at high frequencies, in Reply Comments of IEEE-SCC28, filed April 21, 1994, at page 3.

The record in this docket offers strong evidence that the IEEE-SCC28 approach to developing RF exposure guidelines has earned widespread confidence in the scientific, governmental and industrial sectors, and that alternative recommendations believed to be under Commission consideration have not.

Again, we urge the Commission to adopt ANSI/IEEE C95.1-1992 guidelines as it initially proposed.

Sincerely,

Elridge Stafford

CC: Rosalind K. Allen
Lauren J "Pete" Belvin
Jackie Chorney
Robert F. Cleveland, Jr.
David L. Furth
David R. Siddal
Richard M. Smith
Suzanne Toller